

Naval Inspector General



Washington Navy Yard, DC



Conscience of the Navy...Making a Difference!



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Using Ethical Standards For Issue Spotting



Two Main Sources of Standards for DoD

- **Office of Government Ethics (OGE) Regulations**
 - Various Provisions or “Parts” Found in Title 5 of the Code of Federal Regulations (CFR)
- **DoD Directive 5500.7 - Standards of Conduct**
 - Authorizes DoD Regulation 5500-7R, the Joint Ethics Regulation (JER)



OGE Regulation of Primary Interest

- Standards of Ethical Conduct for Employees of the Executive Branch
- Published in the Code of Federal Regulations at 5 CFR 2635
- Apply to Executive Agency Officers and Civilian Employees
- Agency Supplements Require Prior OGE Approval



Other Pertinent OGE Regulations

- 5 CFR 2634 – Financial Disclosures, Qualified Trusts, Certificates of Divestiture
- 5 CFR 2636 – Limitation on Outside Employment, Prohibition of Honoraria and Reporting Payments to Charities in Lieu of
- 5 CFR 2640 – Interpretation of 18 USC 208 (Acts Affecting Financial Interests)
- Post-Employment Conflict of Interest) - 5 CFR 2637 (employees leaving before 1991) 5 CFR 2641 (employees leaving after 1990)



Structure of 5 CFR 2635

- A. General**
- B. Gifts from Outside Sources**
- C. Gifts Between Employees**
- D. Conflicting Financial Interests**
- E. Impartiality in Performing Official Duties**
- F. Seeking Other Employment**
- G. Misuse of Position**
- H. Outside Activities**



DoD Joint Ethics Regulation 5500.7-R

- OGE Approved Supplement to 5 CFR 2635 (Standards of Conduct Reg)
- No Further Supplementation Permitted (No Navy Reg)
- Intended to be “Single Source of Standards of Ethical Conduct and Ethical Guidance” (nice try)
- Authorized by DoD Directive 5500.7



List of Chapters in DoD JER

1. General Information
2. Standards of Ethical Conduct
3. Activities with Non Federal Entities
4. Travel Benefits
5. Conflicts of Interest
6. Political Activities



List of Chapters in DoD JER, cont.

7. Financial and Employment Disclosure
8. Seeking Other Employment
9. Post Government Service Employment
10. Enforcement
11. Training
12. Ethical Conduct



Relationship of OGE 2635 to JER Chapter 2

- Both are “Standards of Conduct”
- Section 1 of JER Chapter 2 “contains” OGE 2635
- Section 2 of JER Chapter 2 is DoD “Agency Supplement” to OGE 2635
- Section 3 of JER Chapter 2 is DoD “Guidance” on specific issues (gifts, use of resources, gambling, use of military title by retirees or reserves)



OGC and JER Working Together

- **PO Johnson says:**

“Because the OGE Regs don’t apply to me, I may accept a \$30 lunch from a Navy contractor, even though LT Evans may not.”

- See 5 CFR 2635.103 (the provisions of this part are not applicable to enlisted members)
- Is PO Johnson right?



OGE and JER Working Together (cont)

- **No! PO Johnson is Wrong!**
- **Why?**
 - DoDD 5500.7 Par B1a says “employee” in OGE regs includes enlisted to same extent as officers (applies to several OGE parts)
 - JER Par 1-211 definition of “DoD employee” includes enlisted personnel (and Reserves and National Guard on Title 10 active duty orders)
 - Watch out for words printed in bold italics! They are General Orders and violation may result in prosecution under the UCMJ!



OGE and JER Working at Odds?

- **Hotline Complainant says:**

“Some Navy personnel attending EB sub launch improperly accepted gifts of model subs worth \$75 each in violation of OGE gift regs!”

- 5 CFR 2635.202(a)(1) says employees may not accept gifts from prohibited sources
- **Is Hotline Complainant right?**



OGE and JER Working at Odds? (cont)

- **Maybe Not! JER May Permit It!**
 - Even though value exceeds one time and annual limits listed in 5 CFR 2635.204 exceptions
- **Why?**
 - JER Par 2-300 (DoD Guidance) allows “tangible gifts” at ship launch and similar ceremonies up to \$100 “per family” when employee’s attendance is official and approved by head of the Command
 - So you need to develop more facts to know the answer, but you may need only a PI to answer!



One More Case

- Your CO is retiring. Some Command employees ask if they may request “voluntary contributions” of \$15 for a retirement gift. They tell you 5 CFR 2635.304 allows solicitation of contributions of “nominal amounts” and \$15 seems very “reasonable.”
- **What do you say in response?**



One More Case (cont)

- You should explain that although OGE does not establish a specific maximum “nominal” amount for group gifts, the JER does: \$10.00.
 - Refer them to JER Par 2-203b (the “supplement to the OGE reg), which establishes the \$10 limit for contributions to the gift itself, but allows solicitation of a larger voluntary “nominal amount” for food, drink, and entertainment of the superior.
 - Tell them the facts - refer them to SJA for advice!



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Questions??